

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2021-202-G – ORDER NO. 2021-\_\_\_\_\_

August 17, 2021

Petition of Twin Chimneys Power	)	ORDER GRANTING PETITION FOR
Producers, LLC for Declaratory Order	)	DECLARATORY ORDER

This matter comes before the Public Service Commission of South Carolina (Commission) on the Verified Petition for Declaratory Order (Verified Petition) filed by Twin Chimneys Power Producers, LLC (Twin Chimneys or Petitioner). Twin Chimneys requests that the Commission confirm that Twin Chimney’s landfill gas project is exempted from regulation by the Commission under S.C. Code Ann. § 58-5-35.

According to the Verified Petition, Twin Chimneys is affiliated with Enerdyne Power Systems, Inc., a landfill gas project developer, owner, and operator. Twin Chimneys has entered into a long term agreement with Greenville County for the utilization of landfill gas (LFG) generated from the Twin Chimneys Landfill. The Twin Chimneys Landfill is a “sanitary landfill” as defined by S.C. Code Ann. Section 44-96-40(44) of the South Carolina Solid Waste Policy and Management Act. LFG is methane that is a natural byproduct of the decomposition of organic landfill contents.

TCPP is planning to install a renewable natural gas processing facility that will collect LFG from the Twin Chimneys Landfill and separate and remove impurities from the LFG to meet pipeline quality specifications. TCPP has entered into an agreement to sell the processed LFG to the Greenwood Commission of Public Works (GCPW), the local gas distribution company. In order to deliver its processed LFG to the GCPW, TCPP will construct a pipeline from its

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processing facility to GCPW's interconnection metering station located on the adjacent side of Highway 25. TCPP will be selling processed LFG it harvests from the Twin Chimneys landfill to a single customer, the GCPW.

By letter dated June 28, 2021, the South Carolina Office of Regulatory Staff (ORS) advised it had reviewed the Verified Petition and discussed this matter with Twin Chimneys, and does not object to approval of the request for a declaratory order.

S.C. Code Ann. § 58-5-35 is entitled "Exemption of certain public utilities and pipeline companies from regulation by Commission," and that section states:

Public utilities and pipeline companies engaged in the extraction, processing, distribution, or sale of landfill gas (LFG) derived from sanitary landfills, which provide this gas to no more than twenty customers from any single landfill, are exempt from regulation by the commission.

Based on a review of the Verified Petition, the Commission finds and concludes that the relief sought by Twin Chimneys should be granted.

IT IS THEREFORE ORDERED THAT:

1. TCPP's project is exempt from regulation by the Commission pursuant to S.C. Code § 58-5-35.

2. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

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Justin T. Williams, Chairman  
Public Service Commission of  
South Carolina